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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 United States of America,  
10 Plaintiff,  
11 v.  
12 Melvin Woods,  
13 Defendant.  
14

No. CR-19-00504-001-PHX-DWL  
**ORDER**

15 Pending before the Court is Defendant Melvin Woods's ("Woods") motion for  
16 compassionate release (Doc. 59), which the government opposes (Doc. 62). For the  
17 following reasons, the motion will be denied.

18 **RELEVANT BACKGROUND**

19 Woods has led, in many respects, an exemplary life. "He was class president of his  
20 high school, captain of the basketball team, and volunteered for activities for special needs  
21 students." (Doc. 31 ¶ 37.) After high school, Woods attended some community college  
22 and then worked as a volunteer coach, convenience store clerk, and as a caregiver in special  
23 needs group homes and at Goodwill. (*Id.* ¶¶ 37-43.) Woods also became a father in 2016  
24 and acted as his child's primary caregiver. (*Id.* ¶ 33.) Before this case, Woods had no  
25 criminal history apart from a misdemeanor traffic offense. (*Id.* ¶¶ 23-26.)

26 In 2018, Woods made the tragic choice to attempt to supplement his income by  
27 selling drugs. (*Id.* ¶¶ 6-8.) One of Woods's clients, G.H., died from acute fentanyl  
28 poisoning after ingesting pills he had purchased from Woods. (*Id.* ¶ 6.) The pills appeared

1 to be oxycodone but contained fentanyl. (*Id.*) During a post-arrest interview, Woods  
2 admitted he knew the pills were laced with fentanyl or heroin. (*Id.* ¶ 8.)

3 Woods was charged with, and ultimately pleaded guilty to, the crime of fentanyl  
4 distribution. (*Id.* ¶ 3.) Sentencing took place in November 2019. Woods's advisory  
5 sentencing range was 121-151 months because the offense resulted in death. In their  
6 respective sentencing memos, the government requested a sentence of 120 months, which  
7 it viewed as necessary to achieve parity with other cases of fentanyl distribution resulting  
8 in death (Doc. 30), while Woods requested a sentence of 60 months in light of his lack of  
9 criminal history, ready acceptance of responsibility, and the non-violent nature of the  
10 offense (Doc. 32). During the sentencing hearing itself, the Court heard emotional  
11 statements from Woods's family members, who extolled his positive character, and from  
12 the victim's sister and wife, who described the devastating impact this crime has had on  
13 their lives.

14 The Court ultimately imposed a sentence of 84 months. (Docs. 37, 49.) In reaching  
15 this outcome, the Court offered the following explanation:

16 This is among the most difficult cases I've had to sentence as a judge. It's  
17 heartbreaking. It's heartbreaking first and most important to the victim and  
18 the victim's family. I mean, losing a husband and having a young child  
19 who's going to grow up without their dad is just heartbreaking. Whatever I  
20 do today is not going to bring him back. But I need to reflect the seriousness  
21 of the . . . conduct in this case. And so I'm happy that I heard from the  
22 victim's family today. . . . It's heartbreaking from the defendant's family[']s  
23 perspective] too. You know, I have a fair number of cases where I'm  
24 sentencing somebody and that side of the courtroom is empty. And I can tell  
25 from everything I've read and the documents here, in everything I've read  
26 about your background [and] hearing from your family that you have a  
27 wonderful family and you were brought up right. . . . You went out, you had  
28 a job, you served people in the community. I mean, this is just a tragedy. So,  
... I have to balance all those things.

At the time of sentencing, Woods had 195 days of presentence incarceration credit.  
(Doc. 31 at 1.) Thus, at present, Woods has spent about 20 months in custody, which is  
about 25% of his sentence. Unfortunately, it doesn't appear that Woods's transition to  
prison life has been seamless—the government has submitted evidence showing that

1 Woods incurred a disciplinary infraction in March 2020 for possessing a dangerous  
2 weapon. (Doc. 62-9.)

3 Woods is currently 30 years old. Woods contends that he is particularly susceptible  
4 to complications arising from COVID-19 because of his race (black), because he is  
5 overweight (5'9", 190 pounds), and because he was diagnosed by a prison medical provider  
6 in January 2020 as suffering from gastrointestinal bleeding, anemia, anorexia, unexplained  
7 weight loss, dysphagia, and persistent vomiting. (Doc. 59 at 14-16.) Woods further  
8 contends that his parents, who are currently acting as the caregiver for his child, are  
9 particularly susceptible to complications arising from COVID-19. (*Id.* at 16-17.) The  
10 government, in turn, has submitted evidence that the January 2020 medical record has a  
11 typo and should read that Woods does *not* suffer from any of the listed ailments. (Doc. 62  
12 at 11-12, citing Doc. 62-7.) In reply, Woods disputes whether the record contains a typo,  
13 argues that the alleged presence of a typo only underscores the inadequacy of the medical  
14 care available in the Bureau of Prisons ("BOP"), and argues that it would violate his due  
15 process rights to resolve the typo issue in the government's favor without holding a hearing.  
16 (Doc. 64 at 5-6.)

17 It is undisputed that Woods has exhausted his administrative remedies, by  
18 unsuccessfully petitioning the BOP for compassionate release. (Doc. 59 at 10.)

19 On December 15, 2020, Woods (through counsel) filed a motion for compassionate  
20 release. (Doc. 59.)

21 On December 23, 2020, the government filed an opposition. (Doc. 62.)

22 On December 28, 2020, Woods filed a reply. (Doc. 64.)

### 23 **DISCUSSION**

24 "The statute authorizing compassionate release as it exists today was first enacted  
25 as part of the Comprehensive Crime Control Act of 1984." *United States v. Brooker*, 976  
26 F.3d 228, 231 (2d Cir. 2020). "That original statute, unlike the current law, gave BOP  
27 exclusive power over all avenues of compassionate release. For over 30 years any motion  
28 for compassionate release had to be made by the BOP Director." *Id.*

1           This statutory framework changed in 2018, when Congress passed the First Step  
2 Act. *Id.* at 233. Among other things, the First Step Act removed “the BOP as the sole  
3 arbiter of compassionate release motions.” *Id.* Now, although the “BOP is still given the  
4 first opportunity to decide a compassionate release motion, and may still bring a motion on  
5 a defendant’s behalf, under Congress’ mandate a defendant now has recourse if BOP either  
6 declines to support or fails to act on that defendant’s motion.” *Id.*

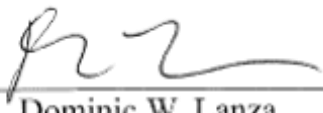
7           The standards for evaluating a compassionate release motion are set forth at 18  
8 U.S.C. § 3582(c)(1)(A). Among other things, the court “may” grant a compassionate  
9 release motion and reduce a defendant’s term of imprisonment if, “after considering the  
10 factors set forth in section 3553(a) to the extent that they are applicable,” the court finds  
11 that “extraordinary and compelling reasons warrant such a reduction” and “that such a  
12 reduction is consistent with applicable policy statements issued by the Sentencing  
13 Commission.” *Id.* § 3582(c)(1)(A)(i). The applicable policy statement, in turn, is found at  
14 USSG § 1B1.13. It provides that the court may reduce a term of imprisonment if three  
15 conditions are met: (1) “extraordinary and compelling reasons warrant the reduction”; (2)  
16 “the defendant is not a danger to the safety of any other person or to the community, as  
17 provided in 18 U.S.C. § 3142(g)”; and (3) “the reduction is consistent with this policy  
18 statement.” *Id.*

19           Here, the parties dispute whether Woods’s medical conditions constitute  
20 extraordinary and compelling reasons that statutorily qualify him for relief—the  
21 government argues that race alone is insufficient, that Woods is only mildly overweight  
22 and is not obese, and that no other significant health complications are present. The Court  
23 finds it unnecessary to resolve this dispute because, even assuming that Woods’s conditions  
24 are qualifying, the Court would exercise its discretion to deny relief. It must not be  
25 overlooked that this case resulted in the loss of life. G.H.’s wife is now a widow and G.H.’s  
26 son will now grow up without a father. Although Woods didn’t intend to kill G.H., he  
27 knew the pills he was peddling were laced with possibly toxic substances. When  
28 considering a motion for compassionate release under § 3582(c)(1)(A), a court must

1 consider the § 3553 sentencing factors to the extent they are applicable, and here the Court  
2 concludes that it would offend § 3553—in particular, the requirement that a sentence  
3 “promote respect for the law” and “provide just punishment”—to allow Woods to serve a  
4 sentence of only 20 months for such a significant crime that has altered the trajectory of so  
5 many lives. The Court already imposed a sentence that was substantially below the  
6 advisory Guidelines range (and substantially less than the government’s requested term) in  
7 an effort to account for Woods’s many positive attributes and future promise. Further  
8 reducing that sentence by 75% would not result in justice to the victims of Woods’s offense.

9 Accordingly, **IT IS ORDERED** that Woods’ motion for compassionate release  
10 (Doc. 59) is **denied**.

11 Dated this 30th day of December, 2020.

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16 Dominic W. Lanza  
17 United States District Judge  
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